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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

James Leon Walker,) No. CV-04-2817-PHX-DGC (DKD)
Petitioner,)
v.) **ORDER**
Meg Savage, Warden, Eyman Complex;)
and Attorney General of the State of)
Arizona,)
Respondents.)

Pending before the Court are Petitioner James Walker's petition for writ of habeas corpus and United States Magistrate Judge David Duncan's report and recommendation ("R&R"). Docs. ##1, 17. The R&R recommends that the Court deny the petition as untimely. Doc. #17 at 1-4. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R and that the failure to timely file objections to any determination of the Magistrate Judge would be considered a waiver of the right to review of such determination. *Id.* at 5 (citing Fed. R. Civ. P. 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See* Fed. R. Civ. P. 72(b) (“The district judge . . . shall make a de novo determination . . . of any portion of the magistrate judge’s disposition to which specific written objection has been made[.]”); *Reyna-Tapia*, 328 F.3d at 1121 (same); *see also*

1 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does
2 not . . . require any review at all . . . of any issue that is not the subject of an objection.”).
3 The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will
4 accept the R&R and deny the petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district
5 court “may accept, reject, or modify, in whole or in part, the findings or recommendations
6 made by the magistrate”); Fed. R. Civ. P. 72(b) (same).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge David Duncan’s R&R (Doc. #17) is **accepted**.
9 2. Petitioner James Walker’s petition for writ of habeas corpus (Doc. #1) is
10 **denied**.
11 3. The Clerk shall **terminate** this action.

12 DATED this 14th day of March, 2006.
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17 David G. Campbell
18 United States District Judge
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